

FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
South Bend DIVISION

14 MAR 10 PM 12:16

U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT  
OF INDIANA

Robert P. Hudson

Plaintiff,

v.

Mark Levenhagen,

et al.

Defendant(s).

CAUSE NO.

3:14 CV 456

PRISONER COMPLAINT  
42 U.S.C. 1983

A. PLAINTIFF

1. Robert P. Hudson, D.O.C# 221627
2. I am held at the Miami Correctional Facility
3. The address is 3038 W 850 S Bunker Hill In 46914
4. Did the things you are suing about happen in the place listed above
  - ☐ Yes, it happened in the same facility I am being held at today.
  - ☒ No, it happened at Westville Correctional Facility
5. Did the things that you are suing about, happen:
  - ☐ Before you were confined, or
  - ☐ When you were confined awaiting trial, or
  - ☒ After conviction while confined serving a sentence.

B. Defendant(s) how many defendants are you suing: Four (4)

Defendants Name/ Job Title/ Government Agency Work Address

1. Warden Mark Levenhagen, (WCF) Westville, IN.
2. Doctor Liaw, (WCF) Westville, IN.
3. Doctor Krembs (WCF) Westville, IN.
4. LPN/Nurse Ms. Self, (WCF) Westville, IN.

(If more space is needed, use additional page)

## II GRIEVANCE PROCEDURE

A. Is there a prisoner grievance system that would allow you to file a grievance about the things you are suing about?

☒ Yes

☐ No

B. If yes, did you file a grievance about the things you are suing about?

☐ Yes

☒ No

If No, explain why.

They refuse to give me a grievance stating  
my situation is not grievable!

## III CAUSE OF ACTION WITH SUPPORTING FACT

Write why you are suing each defendant. Write whom, what, where, and how you believe your rights were violated. It is very important that you use each defendant's name in describing what happened to you. If you do not write what each defendant did, the Court will not know why you are suing and the defendant will be dismissed.

Explain what constitutional or federal law, right, privileges or immunity each defendant violated. Do not cite or quote case law and/or statutes. If you want to make legal arguments or citations, you must file a separate memorandum of law. Do not attach it to this complaint.

(page.1 of 25 pages)

Of Plaintiff Robert P. Hudson Complaint  
Prisoner Complaint 42 U.S.C. 1983.

- 1) I, Robert P. Hudson, was incarcerated at (WCF) Westville Correctional Facility from: June 2012 - October 2013.
- 2) Mark Levenhagen is the Head Warden and oversees the complete operation of Westville Correctional Facility.
- 3) I, Robert P. Hudson, was assigned to E2W Dorm, which was pretty much condemned, due to it's bogus, nasty, unsanitary, inhuman conditions.
- 4) There were thick, yellowish, and dark green mold and fungus like stains all over the Dorm walls and ceilings, Especially in the shower area. There were several cracks and damaged foundation throughout the shower floor, walls and ceiling!

(page. 2 of 25 page's)

- 5) Between mid June 2012 - August 2012. I, Robert P. Hudson, and several other inmates in E2W Dorm, made Numerous Verbal and written Complaint's about the bogus, inhuman condition's in/on E2W Dorm to the Dorm Officer's, the Sergeant's, lieutenant's and even to the Head Warden, Mark Levenhagen.
- 6) They Kept telling us that someone would be over to the Dorm in due time to fix and take care of the problem's etc. But no one never came, and nothing was done about the bogus, nasty, unsanitary, unhealthy and unsafe condition's in/on E2W Dorm.
- 7) On September 20, 2012. I, Robert P. Hudson, walked into the Shower area, getting ready to take a Shower. And out of no where, the Shower Ceiling Collapsed, and fell on top of me, hitting me in the head and Knocked me unconscious!

(page. 3 of 25 pages)

- 8) I was awoken by the EZW Dorm Officer Mr. Clifton (first Name unknown) who asked me if I was alright? I asked Officer Clifton what is he talking about, and why am I on the floor?
- 9) Officer Clifton told me that the Shower Ceiling just collapsed on me, and hit me in the head knocking me unconscious.
- 10) I then tried to get up off the Shower floor, but I was unable to, because I got real dizzy and had a very sharp pain going down my neck and back.
- 11) Officer Clifton then told me not to move, to just stay still until the Nurse come. He then got on his radio and called a Medical Emergency.

(page 4 of 25 pages)

- 12) The (EMT) Emergency Medical Team arrived at E2W Dorm about ten to ten minutes later. They then examined me and my injuries, and said I need to be taken to the Health Care Unit so I could be seen and examined by the doctor.
- 13) Before I was taken to the Health Care Unit, the E2W Dorm Sgt., Sergeant Johnson took pictures of the whole incident, including the damaged, collapsed ceiling that fell on top of me, knocking me unconscious.
- 14) I was then placed on a stretcher by the (EMT) and was taken to the Health Care Unit, where I was seen and examined by a Doctor (Name unknown) which he told the Officer(s) I need to go to the Hospital right away for X-rays etc.

(page. 5 of 25 page's)

- 15) I was then Strapped down to the Stretcher, and transported to Saint Anthony's Memorial Hospital in Michigan City, Indiana.
- 16) Once I arrived, a Doctor (Name unknown) examined me, and my injuries, then they took a few X-ray's and took a Cat Scan of my entire body.
- 17) After a while, the Doctor came back into the room with the results of my X-ray's and Cat Scan, and told me I have a Slight injury to my head and back. My back is bruised, and the over all Condition's could become a Serious problem in the near future.
- 18) Then the Doctor gave me a Steriod and a Muscle Relaxer Shot in my butt for the pain etc., and told me that he would do a follow-up with me in about three 3) week's to See how I'm doing etc.



(page. 6 of 25 page's)

- 19) I was then transported back to (WCF) Westville Correctional Facility.
- 20) When the officer's got me back to the facility, they took me back to the Health Care Unit to be seen by Doctor Liaw (first Name unknown), who then ordered me a 30, day cheap prescription of Naproxen 500mg for the severe pain I was having, and he gave me bottom bunk pass and a three 3) day lay-in, then told the officer's they could take me back to EZW Dorm.
- 21) I then asked Dr. Liaw why he not keeping me in the Infirmary until I get a little better? Dr. Liaw said, I'll be just fine, and that I don't need to be in the Infirmary right now. I then told Dr. Liaw that I can barely move, and I'm still in major pain etc. Still, Dr. Liaw refuse to place me in the Infirmary!



(page. 7 of 25 pages)

22) On September 20, 2012 around or about 5:30 pm - 6:00 pm, E2W Dorm Officer (Name unknown) called Chow line. I told one of the inmates to tell the Officer that I am unable to walk over to the Chow hall, so could he have the Chow hall food Supervisor send me a food tray.

23) The E2W Dorm Officer then came over to my bunk and asked me why I can't walk over to the Chow hall? I explained to the Officer that I just sustained a back injury early this morning due to the ceiling in the Dorm Shower fell on me. And that Dr. liaw just gave me a three 3) day lay-in dated: 9/20/2012, and I even showed the Dorm Officer the lay-in slip I just got from Dr. liaw. But the Officer said, if I can't get off my ass and walk over to the Chow hall like everyone else, I won't be eating to night... Because ain't nobody about to babysit my grown ass!

(page. 8 of 25 pages)

- 24) I was denied a food tray that night, and I was also denied a food tray the next day. Because the Dorm Officer's wouldn't honor my three 3) day lay-in slip, and kept trying to force me to walk over to the Chow hall like everyone else if I wanted to eat. Please review enclosed three 3) day lay-in approval slip by Dr. liaw dated: 9/20/2012 - 9/24/2012.
- 25) On September 25, 2012. I was sent to the Health Care Unit due to me getting very dizzy a lot, having migraine headache's and painful muscle spasms in my hip's and leg's as well.
- 26) I was seen by Dr. Krembs (First Name unknown) who asked me what's the problem? I then explained to Dr. Krembs that I am starting to have unusual symptom's such as: Constant pain, dizziness and strong, painful muscle spasms in my hip's and leg's.

(page. 9 of 25 pages)

- 27) Dr. Krembs then told me, what more do I expect them to do... That I'm already receiving 500mg. of Naproxen for the pain, which is also used as a muscle Relaxer.
- 28) I then explain to Dr. Krembs that the 500 mg. Naproxen isn't Strong enough nor is it helping. Because I am experiencing more pain then before, and Starting to have other problem's due to my injuries not being properly attended too, and lack of proper medication's and treatment.
- 29) Dr. Krembs then said, I don't need any further medical treatment, nor any New medical medication. So, if I think I need something Stronger and better for excessive pain, then I need to order/ buy Some Tylenol from the inmate's Commissary!

(page 10 of 25 page's)

- 30) I asked Dr. Krembs what good is the Tylenol gone do if the 500 mg. Naproxen ain't helping?
- 31) Dr. Krembs ignored my question, and refuse to give me the proper, adequate medical treatment I really needed. Then handed me a extended three 3) day lay-in slip dated: 9/25/2012-9/29/2012 and a extended bottom bunk pass dated: 9/25/2012-10/3/2012, and told me to have a nice day. Please review enclosed lay-in and bottom bunk approval slip's by Dr. Krembs.
- 32) On September 27, 2012. I had to go back to the Health Care Unit due to the throbbing migraine headache's, and my back injury condition's has worsened three 3) fold from not being treated properly with adequate medical attention and care!

(page. 11 of 25 pages)

33) Dr. Krembs refused and denied me adequate medical attention and treatment once again. And told me I need to stop acting like a big baby all the time, and learn to do something to help myself. Then he gave me another extended bottom bunk pass for two 2) weeks dated: 9/27/2012 - 10/12/2012, but nothing for the throbbing migraine headaches and severe back pain's I was having. Please review the enclosed bottom bunk pass by Dr. Krembs.

34) On January 8, 2013. I was taken to the Health Care unit because I was in serious pain, and unable to move around or walk to the Chow hall, Shower etc., due to me having Sharp, Severe pain's in my back, neck, Shoulders, hips and legs.

35) I was in so much pain, that I was about to pass out and go into shock!

(page 12 of 25 pages)

- 36) And I begged the doctor to give me some better and stronger pain medication, and back brace to support my back. And to place me in the infirmary where I should be, due to my serious back injury, and constant severe pain I am having that's getting worse and worse.
- 37) But Dr. Liaw refuse and denied me proper medical care and treatment once again, and disregard my medical concerns and request. And told me, he don't have time for game's, and that he's not giving me any more medical treatment nor any more medication. Because I can by myself some Tylenol from the inmates commissary.
- 38) Dr. Liaw then handed me another extended bottom bunk pass for one 1) month and two 2) week's dated: 1/8/2013 - 2/19/2013. And a Order to not lift anything over fifteen 15) lbs. for ninety 90) day's dated: 1/8/2013 - 4/8/2013.



(page. 13 of 25 page's)

Please review the enclosed extended bottom bunk pass by Dr. liaw dated: 1/8/2013 - 2/19/2013.

And the "NO lifting" Rx order by Dr. liaw dated: 1/8/2013 - 4/8/2013.

39) On September 13, 2013. Dr. liaw ordered and gave me a Rx lay-in pass w/o "without food trays" dated: 9/13/2013 - 9/18/2013. Because I was unable to move or sit up to do anything whatsoever, due to the untreated condition's of my back injury has become progressively worse over time. Please review the Rx lay-in pass w/o "without food trays" by Dr. liaw dated: 9/13/2013 - 9/18/2013.

40) From: December 26, 2012 - September 5, 2013. I, Robert P. Hudson has Submitted Several Health Care Sick Call Request Slip's, Complaining about the serious, severe back pain, pain in my hip's and leg's and Swollen Keens.



(page 14 of 25 pages)

- 41) Please review the enclosed six (6) Health Care Sick Call Request Slip's I submitted. And the cruel, Careless response's the Health Care Unit LPN's/Staff's made!
- 42) LPN/Nurse Ms. Self (First Name unknown) was the Head LPN/Nurse in Charge of processing all the Health Care Sick Call Request Slip's Submitted by inmates.
- 43) LPN/Nurse Ms. Self was also in Charge of making / Setting up appointment's for the inmate's to see the doctor(s), after reviewing the submitted Health Care Sick Call Request Slip's.
- 44) On January 1, 2013 / February 6, 2013, and August 24, 2013. LPN / Nurse Ms. Self decided to take matter's into her own hand's, and refuse to process and/or Submit my Health Care Sick Call Request Slip's, so I could be seen by the doctor.

(page.15 of 25 page's)

- 45) I, Robert P. Hudson, tried to file a grievance about this whole incident and/or matter on Head Warden Mark Levenhagen, Dr. Liaw, Dr. Krembs and LPN/Nurse Ms. Self.
- 46) But the Officer(s), Sergeant(s), lieutenant(s) and Counselor(s) all refuse to supply and/or give me the grievance forms. Stating my situation is not grievable, because I've been receiveing medical treatment for my back injury etc.
- 47) I told them that I've only received very little medical treatment for my uncure back injury. And not the full, proper, adequate medical attention, and treatment I really need and that I'm entitled to!!!!
- 48) But they still refused to supply and/or give me the grievance forms because they know I'm pursuing a lawsuit!!!!

(page 16 of 25 pages)

- 49) I wrote to Attorney Kenneth J. Falk at (ACLU) American Civil Liberties Union of Indiana in Indianapolis, Indiana, for help and assistance. But he said they are unable to assist me in this matter due to their limited resources and staff. Please review the enclosed letter I wrote to (ACLU) and the reply I received from Attorney Kenneth J. Falk.
- 50) I, Robert P. Hudson, exhausted my administrative Remedies to the best of my acknowledge and ability, with respect to several complaints I've made to the Head Warden Mark Levenhagen, IPN/Nurse Ms. Self, Dr. Liaw, and to Dr. Krembs and I consistently alerted them of the nature of my problems etc. And gave them more than enough time, and an opportunity to resolve the matter!

(page. 17 of 25 pages)

51) Prison Officials have a duty under the 8th Amendment to provide humane conditions of confinement, and ensure that inmates receive "adequate shelter" (proper and safe living environment), medical care and treatment, food, bedding, clothing etc. And take proper, reasonable measures to guarantee that civilized measure of life necessities, living conditions and the safety of inmates are provided.

52) The Head Warden Mark Levenhagen received, and had actual knowledge of the potential danger and unsafe conditions in E2W Dorm! Warden Mark Levenhagen also knew that the unsafe conditions in E2W Dorm was a major Health Hazard, and that the inmates faced a substantial risk of serious harm. But he ignored and/or disregard that risk, by failing to take reasonable measures to abate it!

(page.18 of 25 pages)

- 53) And due to Warden Mark Levenhagen failure to provide humane Condition's of Confinement, and ensure that inmates receive "adequate Shelter," proper and safe living environment, and medical Care and treatment, I, Robert P. Hudson, Sustained a Serious back injury from the Ceiling in E2W Dorm Shower falling on top of my head, due to the unsafe, damaged, Health Hazard Condition's in E2W Dorm and Shower.
- 54) I am Suing Warden Mark Levenhagen, because I was exposed and put in a obvious Substantial risk of serious harm and danger, which I sustained a Serious back injury while incarcerated at Westville Correctional Facility.
- 55) Warden Mark Levenhagen, Violated my 14th Amendment "Due Process of law," and my 8th Amendment "Cruel And Unusual Punishment"

(page.19 of 25 page's)

when he and his employee's and/or staff's acted with deliberated indifference by not staying in compliance with the Policy And Administrative Procedures, by not maintaining a civilized, humane, safe and healthy living environment and adequate medical care, attention and treatment for the inmates at Westville Correctional Facility!

56) I am also suing Westville Correctional Facility Health Care Unit Medical Doctor, Dr. Liaw, because he Violated my 14th Amendment "Due Process Of law," and my 8th Amendment "Cruel And Unusual Punishment" when he acted with deliberated indifference to my serious health needs and condition's, by refusing to provide me with the proper and adequate medical care and treatment that I so badly needed, due to the serious back injury I sustained



(page.20 of 25 pages)

while I was incarcerated at Westville Correctional Facility.

57) I am also suing Dr. liaw for pain and suffering, unnecessary rigor and for Cruel and unusual punishment, which he received full knowledge of the incident and was fully aware of my condition's. But most of all, Dr. liaw knew that I was in serious, severe pain because my back injury became progressively worse over time due to their improper, and Careless medical treatment!

58) Dr. liaw and Dr. Krembs both chose their own personal and particular course of treatment not for a legitimate medical reason, but because it was cheaper for them instead of sending me to an outside Hospital for professional treatment!



(page. 21 of 25 pages)

- 59) I am also suing Westville Correctional Facility Health Care Unit Medical Doctor, Dr. Krembs, because he violated my 14th Amendment "Due Process of law," and my 8th Amendment "Cruel And Unusual Punishment" when he acted with deliberated indifference to my serious health need's and condition's, by refusing to provide me with the proper and adequate medical care and treatment he knew I really needed, due to the serious back injury I sustained while I was incarcerated at Westville Correctional Facility.
- 60) I am also suing Dr. Krembs for pain and suffering, unnecessary rigor and for Cruel and unusual punishment, which he also received full knowledge of the incident and was fully aware of my medical condition's.

(page. 22 of 25 pages)

- 61) But most of all, Dr. Krembs was fully aware that I was suffering with serious, severe pain. And kept denying me better medication, and medical treatment. Knowing good and well that their treatment plan was ineffective to my medical condition's and that it wasn't helping nor doing me any good whatsoever.
- 62) Dr. Krembs and Dr. Liaw both chose their own personal and particular course of treatment not for a legitimate medical reason, but because it was cheaper for them instead of sending me to an outside hospital for better and professional treatment!
- 63) I am also suing Westville Correctional Facility Health Care Unit LPN/Nurse Ms. Self, because she violated my 14th Amendment "Due Process of law," and my 8th Amendment "Cruel And Unusual Punishment" when she acted with deliberated indifference

(page. 23 of 25 page's)

to my serious health needs and condition's,  
by refusing to assist me and provide me  
with proper medical attention and service!

64) LPN/Nurse Ms. Self were fully aware  
that I was suffering with severe pain,  
and needed some serious medical attention  
due to the back injury I sustained while  
incarcerated at Westville Correctional  
Facility. And she also knew I needed some  
better and stronger pain medication, but  
she decided to take matters into her own  
hand's, and refuse to process and/or  
submit my Health Care Sick Call Request  
slip's, so I could be seen by the doctor etc.

65) LPN/Nurse Ms. Self, willingly and  
intentionally chose to do things her  
way, instead of following proper  
medical procedures. Ms. Self refused,  
and denied me medical attention and  
service more then seven (?) time's!

(page. 24 of 25 pages)

- 66) I am also suing LPN/Nurse Ms. Self for pain and suffering, unnecessary rigor and for Cruel and Unusual punishment.
- 67) Because of this incident, and the back injury I've sustained while I was incarcerated at Westville Correctional Facility, and due to their unprofessional medical service and their mistreatment, I, Robert P. Hudson, have developed a serious, disable back injury that has become progressively worse!
- 68) I still have a major back problem! I am unable to stand up straight, I can't bend over to far without feeling a sharp, severe pain in my neck, back and legs. The doctor (Name unknown) here at Miami Correctional Facility prescribed me some pain medication for my back injury and for the muscle spasms etc. I asked the doctor is there any other medical treatment for the pain, he said there's nothing more he could do to

(page. 25 of 25 page's)

Stop the throbbing pain in my back, nor the muscle spasms I be having here and there.

69) He also said, that he believe I have some "nerve damage" which may've caused me to developed a slight and/or permanent, disable back injury. Due to the fact I didn't receive the proper, professional medical attention and treatment that I should've gotten when I was at Westville Correctional Facility.

70) So, I, Robert P. Hudson, Have to live with this permanent back injury for the rest of my life, all because of Westville Correctional Facility Prison Official's, and staff's fail to follow their Policies And Procedures and do their job's properly!

—End of Complaint—

#### IV PREVIOUS LAWSUITS

Have you ever sued anyone for the same things you wrote in this complaint?

☒ NO

☐ YES- [Print or type the following information about the case]

Court: \_\_\_\_\_

Judge: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Docket Number: \_\_\_\_\_

Date Closed: \_\_\_\_\_

#### V. RELIEF

Write exactly what you want the court to do for you. This court cannot order that a defendant be fired, investigated, or criminally prosecuted.

I want Defendant: Warden Mark Levenhagen to  
pay me \$750,000.00 in Damages for: personal  
injuries, pain and Suffering, emotional distress,  
unnecessary rigor and for Cruel and unusual  
punishment. I want the other three  
Defendants to pay me \$650,000.00 in Damages  
for: personal injuries, pain and Suffering,  
emotional distress, unnecessary rigor and  
for Cruel and unusual punishment, all in  
their individual Capacity for money Damages.

#### JURY DEMAND

Pursuant to Fed. Civil Procedures Rule 38(b), Plaintiff hereby demands a trial by jury of all triable issues in this case.

X Robert P. Hudson pro se  
DOC # 221627 LOC: R-201  
Miami Correctional Facility  
3038 W. 850 South  
Bunker Hill, IN 46914-9810



VI. VERIFICATION AND SIGNATURE

Initial each Statement and Sign at the Bottom

RA I have included two properly completed summons forms ( available from the clerk) for each defendant I am suing, including full name, job title and work address.

RA I have included one properly completed process receipt and return form (USM-285) (available from the United States Marshal) for each defendant I am suing.

RA In addition to this complaint with an original signature, I have included one copy of this complaint for each defendant and one extra for the Court.

RA I have included full payment of the filing fee or attached a properly completed prison petition to proceed in forma pauperis ( available from the clerk) with a copy of my prison trust fund account statement for the six months proceeding the filing of this case.

RA I agree to promptly notify the clerk of any change in address.

RA I have read all the statement in this complaint.

RA I declare under penalties for perjury that the foregoing is true and correct.

Signed this 4th day of March 2014

X Robert Hudson pro se  
DOC # 221627 LOC. R-201  
Miami Correctional Facility  
3038 W. 850 South  
Bunker Hill, IN 46914